

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
NORTHERN DIVISION

UNITED STATES OF AMERICA, . Case No. 11-20574  
Plaintiff, .  
v. . Bay City, Michigan  
September 6, 2012  
JEFFREY PAUL SCHUETT, .  
Defendant. . (Hon. Thomas L. Ludington)  
. . . . .

GUILTY PLEA  
BEFORE THE HONORABLE CHARLES E. BINDER  
UNITED STATES MAGISTRATE JUDGE

APPEARANCES:

For the Government: LIBBY KELLY DILL  
ASSISTANT U.S. ATTORNEY  
101 First Street, Suite 200  
Bay City, MI 48708  
(989) 895-5712

For the Defendant: JUDITH S. GRACEY  
ATTORNEY AT LAW  
2055 Orchard Lake Road  
Sylvan Lake, MI 48320  
(248) 338-7800

Court Recorder: Jean Broucek  
(989) 894-8821

NOT PRESENT:

Court Transcriber: Karin Dains  
(248) 914-0666

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1 Bay City, Michigan

2 Thursday, September 6, 2012

3 At about 10:14 A.M.

4 - - -

5 (Call to order of the court)

6 THE COURT: This is the case of United States  
7 versus Jeffrey Schuett, Case Number 11-20574.

8 The defendant is present with counsel.

9 I have received a Consent to Enter Guilty Plea  
10 signed by the defendant and all counsel, an Order of  
11 Reference for the Taking of a Plea from United States  
12 District Judge Ludington, and a Rule 11 Plea Agreement in the  
13 matter.

14 May I, first of all, have defense counsel's  
15 appearance?

16 MS. GRACEY: Yes. Good morning, your Honor.  
17 Judith Gracey on behalf of Mr. Schuett, who stands to my  
18 right.

19 THE COURT: Thank you.

20 You are Jeffrey Schuett. Is that correct?

21 THE DEFENDANT: Yes, your Honor.

22 THE COURT: From these documents, it appears that  
23 you wish to enter a plea of guilty to some charges; and from  
24 this consent, it appears that you're willing to waive the  
25 right that -- to have this plea taken and considered by the

1 United States District Judge. You're willing to have this  
2 plea taken and considered by me today. Is that correct?

3 THE DEFENDANT: Yes, your Honor.

4 THE COURT: Now, it appears that you signed this on  
5 a couple of occasions; most recent was late last month. Do  
6 you remember signing this consent?

7 THE DEFENDANT: Yes, I do, your Honor.

8 THE COURT: Do you stand by what you signed at that  
9 time?

10 THE DEFENDANT: Yes, I do, your Honor.

11 THE COURT: All right.

12 Ms. Gracey, any objection to my swearing the  
13 defendant?

14 MS. GRACEY: No, Judge, but before the Court  
15 begins, I just want to make a record as it relates to  
16 Mr. Schuett's decision to want to enter a plea of guilty to  
17 the Rule 11 Plea Agreement.

18 Negotiations have been ongoing between myself and  
19 the assistant U.S. attorney regarding this matter. I  
20 presented to Mr. Schuett some time ago, as the Court had  
21 already noted -- back in January of 2012, there was a Rule 11  
22 that was submitted, and Mr. Schuett was considering that  
23 Rule 11 but at that time did decide that he would reject and  
24 not take that offer of the Rule 11 at that time.

25 Since then or subsequent to that, Mr. Schuett and I

1 have had continuous discussions regarding the disposition of  
2 this case as well as a suppression hearing that was held, I  
3 believe it was three days, before Judge Ludington.  
4 Judge Ludington did render an opinion denying the motion to  
5 suppress in this matter. Mr. Schuett, upon receiving that,  
6 had concerns and wanted to perhaps attempt to try and  
7 preserve his right to appeal as it related to the ruling on  
8 the Rule -- on the suppression hearing.

9 We had further discussions, both in writing, in  
10 person, and on -- on the phone as late as August 29th, 2012,  
11 as the Court has already noted, when he signed the consent to  
12 have this matter held to enter the guilty plea before your  
13 Honor, a United States Magistrate Judge.

14 We have discussed this matter -- Mr. Schuett and  
15 myself -- and I then had further negotiations with Assistant  
16 U.S. Attorney Craig Wininger on this matter, and there was a  
17 resolution that was agreed upon by Mr. Schuett.

18 I just want the record to be clear. I know that  
19 the Rule 11 will bear that out, but I want the record to be  
20 clear and Mr. Schuett to be clear on -- on the record that he  
21 understands that we had asked the U.S. Attorney's Office to  
22 enter into a Rule 11 Plea Agreement which preserved  
23 Mr. Schuett's right to appeal. However, that was rejected by  
24 the United States Attorney's Office. However, the Rule 11 as  
25 we had had it originally was amended, and there were

1 additional -- there was additional information that was  
2 placed in the Rule 11.

3 Mr. Schuett has his copy of the proposed Rule 11 in  
4 this matter that he has executed, and I just want the record  
5 to be clear, as well as Mr. Schuett on the record, that you  
6 understand, Mr. Schuett, that the U.S. Attorney's Office and  
7 I did communicate that with you sometime on -- on August the  
8 29th when we were last in court, that in fact that was  
9 rejected, and you understand by signing this Rule 11 -- and  
10 the magistrate will go over the pertinent parts of the Rule  
11 11 with you -- that you understand that that is not  
12 preserved, and once you enter into this Rule 11, that you  
13 will not have the right to appeal as it relates to the  
14 suppression hearing. Do you understand that?

15 THE DEFENDANT: Yes, I do.

16 MS. GRACEY: And we've talked about this on  
17 numerous occasions. Is that correct?

18 THE DEFENDANT: That is correct.

19 MS. GRACEY: And you do understand that the only  
20 way that you could have possibly appealed the ruling as it  
21 related to Judge Ludington's opinion regarding the  
22 suppression hearing would be to take this matter to trial.  
23 Do you understand that?

24 THE DEFENDANT: Yes, I do.

25 MS. GRACEY: However, you've opted -- after

1 considering all of the ramifications, that you've opted not  
2 to go to trial on this matter. Is that correct?

3 THE DEFENDANT: That is correct.

4 MS. GRACEY: And it is your decision and you're  
5 doing it freely and voluntarily. Is that correct?

6 THE DEFENDANT: I am.

7 MS. GRACEY: And the added information regarding  
8 the Rule 11 where the government would agree to recommend  
9 that your sentence run concurrent with your state court  
10 sentence, your parole violation -- you understand that that  
11 was added to your Rule 11.

12 THE DEFENDANT: I do.

13 MS. GRACEY: Okay.

14 So, Judge, I just wanted that to be clear for  
15 Mr. Schuett because I know that that's been an -- an ongoing  
16 issue, and I wanted to make sure that he was clear before  
17 your Honor, that I am prepared to go to trial on this matter,  
18 but based on his decision as well as my counsel, that this  
19 would appear to be the best option for him.

20 And is that correct, Mr. Schuett?

21 THE DEFENDANT: That is correct.

22 MS. GRACEY: With that being said, Judge, I am  
23 ready for the Court to swear my client in.

24 THE COURT: All right. Very well.

25 Mr. Schuett, would you raise your right hand,

1 please?

2 (At about 10:21 A.M.)

3 **JEFFREY PAUL SCHUETT, DEFENDANT, SWORN**

4 THE COURT: All right. Thank you.

5 **EXAMINATION**

6 BY THE COURT:

7 Q. May I have your full name for the record, please?

8 A. Jeffrey Paul Schuett.

9 Q. How old are you?

10 A. Thirty-one.

11 Q. How far have you gotten in school?

12 A. I have college.

13 Q. All right. Have you -- have you had any trouble  
14 understanding all the conversations and documents and all of  
15 that that have gone back and forth between you and  
16 Ms. Gracey?

17 A. No, I have not.

18 Q. All right.

19 Are you under the influence of any medications or  
20 anything that would give you trouble in understanding what's  
21 going on today?

22 A. No, I am not.

23 Q. Are you under the care of a doctor for any medical  
24 conditions that would have an impact on your ability to  
25 understand today's proceeding?

1 A. No, I do not.

2 Q. All right.

3 THE COURT: Counsel, the record should reflect,  
4 then, my view that the defendant, first of all, is competent  
5 to tender a plea. Do the attorneys agree?

6 MS. GRACEY: Yes, your Honor.

7 MS. DILL: Yes, sir.

8 THE COURT: All right.

9 BY THE COURT:

10 Q. Mr. Schuett, you are charged in Count One of an  
11 indictment with felon in possession of a -- previously  
12 convicted felon in possession of a firearm. Do you  
13 understand this charge?

14 A. Yes, I do, your Honor.

15 Q. The charge is a -- a felony. The maximum penalties are  
16 at least fifteen years of imprisonment with as much as life  
17 imprisonment followed by as much as five years of supervised  
18 release, a form of probation, and you could face fines of up  
19 to two hundred and fifty thousand dollars. Do you understand  
20 that?

21 A. Yes, I do, your Honor.

22 Q. Now, Ms. Gracey has been representing you throughout, it  
23 sounds like.

24 A. Yes, sir.

25 Q. Okay. It's pretty clear that you and she have had

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1 multiple conversations about the case.

2 A. Yes, your Honor.

3 Q. Are you satisfied with her advice and with her service?

4 A. Yes, I am, your Honor.

5 Q. Good.

6 As you likely know, if your guilty plea is  
7 accepted, you will be giving up many important rights, and --  
8 and it is clear to me that Ms. Gracey explained to you the  
9 fact that everyone charged with an offense has the right to a  
10 trial to determine if in fact they are guilty, and this Rule  
11 11 agreement tells me that you're willing to give up your  
12 right to have a trial and everything having to do with a  
13 trial. Do you understand this?

14 A. Yes, I do, your Honor.

15 Q. Specifically, you're giving up your right to plead not  
16 guilty and have a trial in the first place. Do you  
17 understand this?

18 A. Yes, I do, your Honor.

19 Q. You're giving up your right at a trial to be presumed  
20 innocent and your right to require that the government prove  
21 you guilty and guilty beyond a reasonable doubt and guilty of  
22 every element -- that is, every part -- of the charge. Do  
23 you understand this?

24 A. Yes, I do, your Honor.

25 Q. You're giving up your right through Ms. Gracey to

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1 question and cross-examine and probe and test the witnesses  
2 the government would bring against you. Do you understand  
3 this?

4 A. Yes, I do, your Honor.

5 Q. You're giving up your right to have the Court order  
6 witnesses that you might need for your defense to come  
7 forward and testify. Do you understand this?

8 A. Yes, I do, your Honor.

9 Q. You're also waiving your right to remain silent during a  
10 trial and not have your silence used against you, because in  
11 this case there would be no trial. Do you understand this?

12 A. Yes, I do.

13 Q. All right.

14 At the same time, you're waiving your right to  
15 testify at a trial if you wanted to testify, and if you did  
16 testify, your testimony would be weighed with all the other  
17 evidence. Do you understand this?

18 A. Yes, I do, your Honor.

19 Q. And lastly, you are waiving your right -- your separate  
20 right to have a lawyer for the trial, and if you could not  
21 afford one, one would be appointed for you at government  
22 expense. Do you understand this?

23 A. Yes, I do, your Honor.

24 Q. Now, in addition to your rights having to do with a  
25 trial, it is entirely likely that as a result of this plea,

*U.S. District Judge Paul B. Quinn  
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1 you will lose what we call civil rights: the right to hold  
2 public office, the right to serve on a jury; if you are sent  
3 to jail, you would lose the right to vote while you're in  
4 jail, and there is no doubt in this case that you will lose  
5 the right to ever legally be around firearms again. Do you  
6 understand that?

7 A. Yes, I do, your Honor.

8 Q. Having in mind, then, both the trial rights and the  
9 civil rights that we've talked about, you're willing to give  
10 them up as part of this plea agreement. Is that right?

11 A. Yes, it is, your Honor.

12 Q. Now, your -- I presume that your willingness to enter a  
13 plea is because of what's in here in this Rule 11 agreement.  
14 Am I right?

15 A. Yes, your Honor.

16 Q. All right.

17 THE COURT: Ms. Dill, would you be so kind as to  
18 summarize the agreement for the record, please?

19 MS. DILL: Yes, your Honor.

20 Mr. Schuett will enter a plea of guilty to the sole  
21 count of the indictment, which charges him with being a felon  
22 in possession of firearm.

23 The elements are that prior to the date alleged in  
24 the indictment, Defendant was convicted of a crime punishable  
25 by imprisonment for a term exceeding one year. On or about

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1 the date alleged in the indictment, Defendant knowingly  
2 possessed the firearm described in the indictment, and that  
3 firearm possessed was in and affecting interstate commerce.

4 The parties agree to the factual basis provided on  
5 page two of the Rule 11 agreement, as shown by Defendant's  
6 signature on the -- the Rule 11 agreement itself.

7 Sentencing guidelines are as follows: Defendant's  
8 guideline range is determined to be one hundred and eighty to  
9 two hundred and ten months. We are recommending that  
10 Defendant be -- receive a total of three acceptance-of-  
11 responsibility points. And regarding the imprisonment,  
12 except as provided in the next sentence, pursuant to *Federal*  
13 *Rule of Criminal Procedure 11(c)(1)(C)*, the sentence of  
14 imprisonment in this case may not exceed the bottom end of  
15 the guideline range as determined by paragraph 2B of this  
16 agreement, which is a hundred and eighty-eight months.  
17 However, the Court must impose a sentence of imprisonment on  
18 Count One of at least fifteen years, because in this case  
19 Defendant was deemed to be an armed career criminal.

20 A term of supervised release, if imposed, follows  
21 the term of imprisonment. The Court may impose any term of  
22 supervised release up to the statutory maximum term, which in  
23 this case is five years.

24 Defendant will pay a special assessment of a  
25 hundred dollars, and the Court may impose a fine of up to two

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1 hundred and fifty thousand.

2 Defendant agrees to forfeit the firearm named in  
3 the indictment.

4 If the Court accepts this agreement, the government  
5 will not bring additional charges against Defendant based on  
6 the conduct reflected in the attached worksheets.

7 If the sentence imposed does not exceed the maximum  
8 allowed by Part 3 of this agreement, Defendant waives the  
9 right to appeal his conviction or sentence on any grounds.  
10 If the sentence imposed is within the guideline range  
11 determined by Paragraph 2B, the government agrees not to  
12 appeal the sentence but retains its right to appeal any  
13 sentence below that range.

14 Defendant understands that defendants generally  
15 have a right to attack their convictions and sentences by  
16 filing post-conviction motions, petitions, or independent  
17 civil actions. As part of this agreement, however, Defendant  
18 knowingly and voluntarily waives that right and agrees not  
19 contest his conviction or sentence in any post-conviction  
20 proceeding, including but not limited to any proceeding under  
21 28 U.S.C. 2255.

22 Your Honor, there is, obviously, more in this Rule  
23 11 Plea Agreement, but I believe that encompasses the main  
24 terms.

25 THE COURT: All right. Very well.

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1 Ms. Gracey, with regard to the Rule 11 agreement,  
2 anything more you'd wish to add for the record?

3 MS. GRACEY: Just one question. I believe Ms. Dill  
4 misspoke when she said the guideline range being not to  
5 exceed a hundred and eighty-eight; it's actually one hundred  
6 and eighty months.

7 MS. DILL: That's right.

8 THE COURT: All right.

9 MS. DILL: I'm sorry about that.

10 MS. GRACEY: And also, it's stated in the Rule 11  
11 but I want the record to reflect that also the government is  
12 not -- is recommending that Mr. Schuett receive time credit  
13 -- or, I -- let's put it this way, that the sentence should  
14 run concurrently with the State of Michigan parole violation  
15 sentence, and they agree to that as well.

16 THE COURT: Any disagreement with that, Ms. Dill?

17 MS. DILL: No, your Honor.

18 THE COURT: All right. Very well.

19 MS. GRACEY: Other than that, Judge, I think the --  
20 those are the pertinent parts that have been stated on the  
21 record.

22 THE COURT: All right.

23 **EXAMINATION CONTINUING**

24 BY THE COURT:

25 Q. Mr. Schuett, is this your understanding of the

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1 agreement?

2 A. Yes, it is, your Honor.

3 Q. Did you hear anything from the assistant U.S. attorney  
4 just now that was different than your understanding?

5 A. No, sir.

6 Q. Have you been promised by the Court or by your lawyer or  
7 the lawyer for the government that you will be put on  
8 probation or receive a specific sentence in return for the  
9 guilty plea?

10 A. Just that what's in the -- the plea agreement, your  
11 Honor.

12 Q. All right. In other words, nobody has promised you that  
13 you're going to get put on probation.

14 A. No, your Honor.

15 Q. Nobody has promised you that you will definitely get  
16 Sentence X, Y, Z. Correct?

17 A. No, your Honor.

18 Q. All right. Have -- has anybody promised you anything  
19 that isn't in here in the Rule 11?

20 A. No, sir.

21 Q. Okay. Has anybody used force or threats, violence to  
22 try and make you plead guilty?

23 A. No, sir.

24 Q. All right.

25 These plea agreements are always complicated, got a

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1 lot of big words and statutes and court rules and all of  
2 that. I need to boil down a couple of the key features to  
3 make sure that you understand the consequences of your plea,  
4 because, of course, with this plea you're admitting criminal  
5 responsibility for this charge, and the first thing has to do  
6 with an appeal.

7           We've already talked about aspects of it, but I  
8 want to make sure that you understand that if you are  
9 sentenced within the range that's said here and particularly  
10 the minimum that's required by law, you will not be able to  
11 appeal successfully what happens to you, ever. Do you  
12 understand that?

13 A. Yes, your Honor.

14 Q. You won't be able to appeal the sentence that you're  
15 given or the decision on this motion to suppress that was  
16 argued before Judge Ludington. Do you understand that?

17 A. Yes, I do, your Honor.

18 Q. You won't be able to appeal it successfully right after  
19 your sentence, and you will not be able to successfully  
20 appeal later in what's called a collateral attack. The  
21 process is also called habeas corpus. It's also called a  
22 motion to vacate the sentence. Any way you name it, those  
23 will not be successful under this agreement. Do you  
24 understand that?

25 A. Yes, I do, your Honor.

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1 Q. All right.

2 Now, there's also been discussion about the  
3 sentencing guidelines here and how they impact with the  
4 statutory minimum sentence that's -- that's required, but  
5 what I want to make sure you understand is that all of this  
6 -- all these calculations of sentencing guideline ranges and  
7 applications of credits and things of that nature are  
8 recommendations to Judge Ludington. Do you understand that?

9 A. Yes, I do, your Honor.

10 Q. They do not bind him by law. He can do what's called  
11 depart. He can do something different. Do you understand  
12 that?

13 A. Yes, I do, your Honor.

14 Q. Okay. So at the risk of repetition, as of today nobody  
15 knows what your actual sentence will be. Do you understand  
16 that?

17 A. Yes, I do, your Honor.

18 Q. Okay. Are you pleading guilty voluntarily?

19 A. Yes, I am.

20 Q. This is an act of your own free will.

21 A. Yes, your Honor.

22 Q. Okay. Tell me in your own words what you did that makes  
23 you believe you're guilty of this charge of -- of felon in  
24 possession of firearms.

25 A. BAYANET, the narcotics enforcement team in Saginaw,

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1 approached me, patted me down, and found a handgun in my  
2 pocket.

3 Q. Okay. Now, it says here in the Rule 11 agreement that  
4 this was a Walther semiautomatic pistol. Is that right?

5 A. Yes, it was, your Honor.

6 Q. And it says here that you agree with the government that  
7 this pistol was made outside of Michigan and brought in --  
8 into Michigan across state lines. Is that right?

9 A. According to the ATF investigation, it is, your Honor.

10 Q. Okay. You don't disagree with that.

11 A. No, sir.

12 Q. Okay.

13 Now, it also says here that in 2000 -- in October  
14 of 2000, you were charged with fleeing and eluding a police  
15 officer in the third degree, and you were convicted and  
16 sentenced on that charge. Is that right?

17 A. That is correct, sir.

18 Q. Okay. And then later in that same month, October of  
19 2000, you were arrested -- you were charged, rather, with  
20 assault with intent to commit great bodily harm less than  
21 murder, and you were also convicted and sentenced on that  
22 charge. Is that right?

23 A. That is correct, sir.

24 Q. Okay. And then in September of 2001, you were convicted  
25 of unarmed robbery and -- and apparently sentenced on that

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1 charge. Am I correct?

2 A. Yes, I was, your Honor.

3 Q. Okay. And it says here that all of these charges are  
4 felonies within the meaning of the criminal code. Do you  
5 understand that?

6 A. I do, sir.

7 Q. Do you -- do you agree with that?

8 A. I do agree with that, your Honor.

9 Q. Okay. Now, those convictions, according to the  
10 agreement, give you what's called the status of armed career  
11 criminal. Do you understand that?

12 A. Yes, I do, your Honor.

13 Q. And that has impact on the calculations of the  
14 guidelines that we've talked about before. Do you understand  
15 that?

16 A. Yes, I do, sir.

17 Q. Okay.

18 THE COURT: Ms. Dill, do you have any further  
19 questions relating to factual basis?

20 MS. DILL: No, your Honor.

21 THE COURT: All right.

22 Ms. Gracey, questions relating to factual basis.

23 MS. GRACEY: No, Judge.

24 THE COURT: All right.

25 BY THE COURT:

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1 Q. Mr. Schuett, we've talked about the charge; we've talked  
2 about the penalty. We've talked about the rights that  
3 everyone has in our system when charged with a crime, and  
4 we've talked about the rights that you say you're willing to  
5 give up through this plea agreement, and we've talked about  
6 my authority to proceed today. So with all of this in mind,  
7 it is appropriate now for me to ask you how you plead to this  
8 charge of felony in -- excuse me -- felon in possession of a  
9 firearm. How do you plead, sir?

10 A. Guilty, your Honor.

11 Q. Do you understand the plea you're making?

12 A. Yes, I do, sir.

13 Q. Is -- are you making it voluntarily?

14 A. Yes, I am.

15 Q. All right.

16 THE COURT: I find that the defendant is, first of  
17 all, competent to tender a plea. I find that the defendant's  
18 plea was knowing and intentionally made and made after  
19 consultation with counsel. I find that the offense to which  
20 the defendant is pleading is supported by an independent  
21 basis in fact which contains each of the essential elements  
22 of the offense. I will therefore order the preparation of a  
23 Presentence Investigation Report, and I will in addition  
24 recommend to Judge Ludington that the defendant's plea be  
25 accepted, that the defendant be adjudged guilty and have

*U.S. District Judge Paul Schuett  
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1 sentence imposed subject to Judge Ludington's final review  
2 and consideration of the plea agreement pursuant to Rule  
3 11(c) of the *Rules of Criminal Procedure*.

4 Ms. Dill, are you satisfied with my compliance with  
5 Rule 11?

6 MS. DILL: I am, your Honor.

7 THE COURT: Ms. Gracey, are you satisfied?

8 MS. GRACEY: Yes.

9 THE COURT: Very well.

10 Mr. Schuett, the next step of your case is the  
11 sentencing process, and that begins with an interview between  
12 yourself and a probation officer, with Ms. Gracey present.  
13 After that, the officer prepares a Presentence Investigation  
14 which will be used by Judge Ludington in his final decision  
15 about the sentence.

16 Once that report is completed, two things will  
17 happen. You will, first of all, get the sentence for  
18 sentencing from Judge Ludington's staff, and secondly, the  
19 completion of the report begins a brief period within which  
20 you and Ms. Gracey can object to the report, talk about  
21 things you think they got wrong and add things you think they  
22 missed, but your next court appearance will be your  
23 sentencing. Do you understand that?

24 THE DEFENDANT: Yes, I do, your Honor.

25 THE COURT: Ms. Dill, then at this stage, anything

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1 further?

2 MS. DILL: No, your Honor.

3 THE COURT: All right.

4 Ms. Gracey, anything further?

5 MS. GRACEY: Just one, your Honor.

6 THE COURT: Sure.

7 MS. GRACEY: I did meet with Mr. Burns from the  
8 Probation Department --

9 THE COURT: Ah.

10 MS. GRACEY: -- regarding the presentence  
11 investigation interview, indicating that I know it's  
12 preferable that the interviews be done within seven days.  
13 I'm respectfully asking the Court to allow the interview to  
14 take place on September the 17th.

15 THE COURT: Okay.

16 MS. GRACEY: My schedule will not permit next week,  
17 which would be the time frame that the interview should be  
18 conducted. Because originally we were going to handle this  
19 matter two weeks ago, which would have opened up this week  
20 for me, and because of the distance that I travel and my  
21 schedule, I cannot fit it in next week, so I'm respectfully  
22 asking the Court to waive those seven days. I know that it's  
23 not much of a delay, but I'm respectfully asking to allow me  
24 to do it on the 17th.

25 THE COURT: Ms. Dill, do you have any objection to

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1 that?

2 MS. DILL: No, your Honor.

3 THE COURT: All right.

4 In light of the -- the brief delay engendered, I  
5 find your request appropriate, Ms. Gracey, and -- and it is  
6 granted. Please communicate that to Probation as you need  
7 to.

8 MS. GRACEY: I will.

9 THE COURT: All right. Very well.

10 MS. GRACEY: Thank you.

11 THE COURT: Anything further, ma'am?

12 MS. GRACEY: Nothing further.

13 THE COURT: Very well.

14 The defendant remains in custody pending sentence,  
15 and these proceedings are closed.

16 Thank you, counsel.

17 MS. GRACEY: Thank you.

18 THE CLERK: All rise.

19 Court is adjourned.

20 (Proceedings concluded at about 10:39 A.M.)

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10 I certify that the foregoing is a correct  
11 transcript from the digital sound recording of the  
12 proceedings in the above-entitled matter.

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15	<u>s/Karin Dains</u>	<u>September 10, 2012</u>
16	Karin Dains, Court Transcriber	Date Certified

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